IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 30018 of 2006(W)

PETITIONERS:

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1. BABY CHERIAN,
   KALATHIL HOUSE, CHANGANASSERI TALUK,
   KURICHY VILLAGE, KOTTAYAM DISTRICT.

2. ROSAMMA BABY,
   -DO- -DO-

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

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1. THE BRANCH MANAGER,
   THE KERALA STATE FINANCIAL ENTERPRISES,
   KOTTAYAM-II BRANCH, NAGAMBADAM,
   KOTTAYAM.

2. THE SPECIAL DEPUTY TAHSILDAR (R.R.),
   THE KERALA STATE FINANCIAL ENTERPRISES,
   KOTTAYAM.

BY ADV. SRI.S.D.ASOKAN
SRI. RAJU JOSEPH, SC.KSFE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.30018 of 2006-W

Dated this the 30th day of November, 2006

JUDGMENT

The petitioners are husband and wife. They are in default to the first respondent, in relation to three chitty loans. Since they have failed to pay the amount due, in time, K.S.F.E., moved revenue recovery machinery and revenue recovery notice, Ext.P6 has been issued. Thereafter, Ext.P9 sale notice has been issued, to sell the attached property, in public auction on 20-12-2006. In the above background, this writ petition is filed mainly praying for the benefit of one time settlement scheme, for closing the loan account.

2. The first respondent has filed a statement in which it is stated that the total amount due from the petitioners in the 3 chitty accounts as per the one time settlement scheme will come to Rs.5,72,179/-. The OTS facility will be closed today. If the petitioners submit an application for OTS facility, the same will be disposed of, in accordance with law.

2. The petitioners claimed various reliefs in the writ petition. But, at the time of hearing, the learned counsel for the

petitioners submitted that the petitioners will be satisfied if the OTS facility is extended to them.

3. If the petitioners submit an application for OTS facility today, the same will be considered and disposed of by the first respondent, in accordance with law, within one month from today. If the petitioners remit Rs.50,000/- (Rupees fifty thousand only), on or before the time fixed for the sale of the property under Ext.P9 to the first respondent, the sale will be adjourned, till the claim of the petitioners for one time settlement facility is disposed of.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS